

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARRY HOLT, *et al.*,

Appellants,

vs.

ALPER HOLDINGS USA, INC.,

Appellee.

Case No. 08-cv-3344

NOTICE OF MOTION

PLEASE TAKE NOTICE that appellants Harry Holt et al. will move this Court, at a place and time to be determined, for an order pursuant to Fed. R. Civ. P. 42 to consolidate this case with *Flake v. Alper Holdings USA, Inc.*, 08-cv-2489-CM; *Armstrong v. Alper Holdings USA, Inc.*, 08-cv-3625-GBD; and *Adkins v. Alper Holdings USA, Inc.*, 08-cv-____ (appeal from bankruptcy order filed on April 10, 2008, but not yet docketed with this Court).

In support of this motion, appellants rely upon the accompanying memorandum of law and the records in all four cases.

Dated: April 16, 2008.
New York, NY

Respectfully submitted,

NAACP LEGAL DEFENSE & EDUCATIONAL
FUND, INC.

By: /s/ Matthew Colangelo
Matthew Colangelo (MC-1746)
Debo P. Adegbile (DA-0072)
99 Hudson St., 16th Floor
New York, NY 10013
Telephone: (212) 965-2200

-and-

Lorraine S. McGowen, Esq. (LM-1644)
Alyssa D. Englund, Esq. (AE-2300)
ORRICK, HERRINGTON & SUTCLIFFE LLP
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 506-5000

Counsel for Appellants Harry Holt et al.

CERTIFICATE OF SERVICE

I certify that I served, by email and by first-class mail with postage prepaid, a true and correct copy of the foregoing to:

Jessica L. Fink
Milbank, Tweed, Hadley & McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005
Attorney for Appellee Alper Holdings USA, Inc.

Douglas T. Tabachnik
Law Offices of Douglas T. Tabachnik, P.C.
Woodhull House
63 W. Main Street, Suite C
Freehold, New Jersey 07728
Attorney for Flake Plaintiffs, Armstrong Plaintiffs, and Adkins Plaintiffs

Cliff I. Taylor
Stutzman, Bromberg, Esserman & Plifka
2323 Bryan Street, Suite 2200
Dallas, Texas 75201
Attorney for Flake Plaintiffs, Armstrong Plaintiffs, and Adkins Plaintiffs

Dated: April 16, 2008.

/s/ Matthew Colangelo
Matthew Colangelo (MC-1746)
NAACP Legal Defense & Educational Fund, Inc.
99 Hudson St., 16th Floor
New York, NY 10013
Telephone: (212) 965-2268

Attorney for Appellants Harry Holt et al.